

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

ANGELIA GREEN,

No. C 14-04281 LB

Plaintiff,

v.

**ORDER (1) DISCHARGING THE
ORDER TO SHOW CAUSE AND (2)
REQUIRING SERVICE BY MAY 22,
2015**

CENTRAL MORTGAGE COMPANY,

Defendant.

On September 23, 2014, Plaintiff Angelia Green, who is proceeding pro se, filed a complaint against Central Mortgage Company (“Central Mortgage”). (Complaint, ECF No. 1.¹) On September 26, 2014, the court denied her application to proceed *in forma pauperis*, ordered her to pay \$50 toward the filing fee, and did not order the U.S. Marshal to serve Central Mortgage with the complaint and summons. (9/26/2014 Order, ECF No. 5.) Ms. Green finally paid the \$50 fee on January 12, 2015, but she did not serve Central Mortgage.

Federal Rule of Civil Procedure 4(m) provides in part: “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” 120 days from September 23, 2014 was

¹ Record citations are to documents in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

1 January 21, 2015.

2 Ms. Green failed to serve Central Mortgage by the presumptive 120-day deadline, but the court
3 gave her additional time to do so. In its March 13, 2015 order continuing the case management
4 conference, the court ordered Ms. Green to serve Central Mortgage with the complaint and summons
5 by March 31, 2015. The court also ordered her to file proof of such service by April 3, 2015. The
6 court noted that failure to do so may result in dismissal of the case without prejudice for failure to
7 prosecute. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (court may dismiss an
8 action based on a party's failure to prosecute an action); *see also Pagtalunan v. Galaza*, 291 F.3d
9 639, 642 (9th Cir. 2002) (setting forth five non-exhaustive factors for the court to consider).

10 As of April 17, 2015, there still was no indication on the docket that Ms. Green has served
11 Central Mortgage. Accordingly, the court ordered Ms. Green to show cause why this action should
12 not be dismissed without prejudice for her failure to prosecute it. (Order to Show Cause, ECF No.
13 15.) Ms. Green responded to the order to show cause on April 26, 2015. (Response, ECF No. 16.)
14 She says that "[t]here have been some discrepancies due to the lack of knowledge regarding the
15 legal process on my part" but has "researched the correct way to Show Proof of Service" and thus
16 asks for a further extension of time to serve Central Mortgage. Upon consideration of Ms. Green's
17 request, the court grants it and will allow her until May 22, 2015 to serve, and file proof that has
18 served, Central Mortgage. Failure to do so may result in dismissal of the case without prejudice.

19 Finally, the court provides Ms. Green with some helpful information. First, the court attaches a
20 copy of the district court's Handbook for Litigants Without a Lawyer. It provides instructions on
21 how to proceed at every stage of your case, including discovery, motions, and trial. Second, the
22 court notes that Ms. Green may wish to seek assistance from the Legal Help Center, a free service of
23 the Volunteer Legal Services Program, by calling 415-782-8982, or by signing up for an
24 appointment on the 15th Floor of the Federal Courthouse in San Francisco, 450 Golden Gate Avenue,
25 San Francisco, California. At the Legal Help Center, Ms. Green will be able to speak with an
26 attorney who may be able to provide basic legal help but not representation. A copy of the Legal
27 Help Center's flyer is attached.

IT IS SO ORDERED.

Dated: April 29, 2015



LAUREL BEELER
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
For the Northern District of California**

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